## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED
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JOHN F. CORÇORAN, CLERK

GARY NEAL SADLER,

) Civil Action No. 7:04-CV-00580

Plaintiff,

)

v.

) FINAL ORDER ADOPTING REPORT

AND RECOMMENDATION

)

RICHARD YOUNG, et al.,

) By: Samuel G. Wilson

United States District Judge

Defendants.

Plaintiff Gary Neal Sadler, a Connecticut inmate proceeding <u>pro se</u>, brings this civil rights action under 42 U.S.C. § 1983, raising various claims stemming from his eleven-month stay in 2004 at Wallens Ridge State Prison (WRSP). The court dismissed several of Sadler's claims, and the defendants filed a motion for summary judgment on the remaining claims. The court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation, finding that there was no genuine issue of material fact and recommending that the court grant the defendants' motion for summary judgment and that the court assess Sadler a strike pursuant to 28 U.S.C. § 1915A(b)(1). Neither party filed objections.

Upon de novo review of the Report and pertinent portions of the record, the court agrees with the Magistrate Judge's findings and recommendations. Thus, it is hereby **ORDERED** that the Report and Recommendation is **ADOPTED** in its entirety. The defendants' motion for summary judgment is **GRANTED**, and this matter is **STRICKEN** from the active docket of the court. The court assesses a **STRIKE** against Sadler because several of the claims included in his original complaint failed to state a claim for which the court may grant relief and were frivolous.

The Clerk of the Court is directed to send certified copies of this Order to the plaintiff and to the counsel for defendants.

ENTER: This 28 May of April, 2006.

UNITED STATES DISTRICT JUDGE